

## SOUTHERN ENVIRONMENTAL LAW CENTER

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Charlottesville, VA  
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Atlanta, GA

June 10, 2010

**VIA U.S. Mail and FACSIMILE: (404) 562-8054**

Melvin Cruver  
U.S. EPA, Region 4  
AFC Bldg, 61 Forsyth Street, S.W.  
9th Floor (4PM/IF)  
Atlanta, GA 30303-8960

CONTROL NO	4-RIN	00600-10
Reference Due:	7/9/10	
SEARCHED	INDEXED	FILED
SERIALIZED	FILED	FILED
JUN 10 2010		

Re: **Freedom of Information Act Request - Tired Creek Reservoir, Grady County, Georgia**

Dear Mr. Cruver:

Under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, as amended, the Southern Environmental Law Center (SELC) requests all documents in the possession or control of the U.S. Environmental Protection Agency (EPA) that relate to the Tired Creek Reservoir, in Grady County, Georgia, otherwise known as the Grady County Public Fishing Lake (the "project"). Specifically, we are requesting documents that have been added to the EPA's files since SELC's last FOIA request dated September 22, 2009. The documents requested include but are not limited to:

1. Any alternatives analysis prepared by the applicant pursuant to the Clean Water Act;
- Any communications between the applicant, its consultants and representatives, the Corps, the EPA, any state or federal agency, and any other party relating the project;
- Any photographic analyses, including any photographs, maps, or drawings, that may have been prepared in relation to this project;
- Any documents related to any visits to the site, including any handwritten information recorded during those visits; and
- Any other documents relating to the project.

For the purposes of this request, the term "documents" includes all written, printed, recorded or electronic: materials, communications, correspondence, memoranda, notations, copies, diagrams, charts, maps, photographs, tables, spreadsheets, formulas,

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FREEDOM OF INFORMATION ACT

directives, observations, impressions, contracts, letters, messages and mail in the possession or control of the United States Environmental Protection Agency.

FOIA directs a responding agency to make a "determination" on any request within twenty (20) working days of receipt. See 5 U.S.C. § 552(a)(6)(A)(i). FOIA also requires the release of all reasonably segregable portions of a document that are themselves not exempt. 5 U.S.C. § 552(b). Should our requests be denied, we request that you inform us of the grounds for denial and the specific administrative appeal rights which are available. See 5 U.S.C. § 552(a)(6)(A)(i).

SELC is requesting photocopies without charge, or at a reduced charge, because reduction or waiver of fees would be in the public interest. A disclosure is in the public interest if (1) it is likely to contribute significantly to public understanding of the operations or activities of the government, and (2) it is not primarily in the commercial interest of the requester. The public interest standard of the fee waiver provision of the FOIA should be "liberally construed" in favor of waivers. McClellan Ecological Seepage Situation v. Carlucci, 835 F.2d 1282, 1284 (9<sup>th</sup> Cir. 1987); Pederson v. Resolution Trust Corp., 847 F. Supp. 851, 855 (D.Colo.1994); Etlinger v. FBI, 596 F. Supp 867, 872 (D. Mass. 1984). The goal of the statute is to avoid the "roadblocks and technicalities which have been used by various Federal agencies to deny waivers...." Pederson, 847 F. Supp. at 855.

SELC is a 501(c)(3) non-profit organization with over 20 years of experience disseminating public information regarding Corps regulatory and operations issues. See 5 U.S.C. § 552 (a)(4)(A)(iii). SELC maintains a website that includes both general and topic-specific information regarding the matters with which SELC is involved. For example, SELC frequently publishes reports and issues press releases regarding its projects (See e.g., "Where are We Growing: Land Use and Transportation in the Greater Richmond Area," [http://www.southernenvironment.org/cases/vdot\\_reform/richmond\\_report.pdf](http://www.southernenvironment.org/cases/vdot_reform/richmond_report.pdf)). Lawyers at SELC are interviewed by the media to explain their work and its significance. (See e.g., "Judge Halts Landing Field," Raleigh News and Observer, February 19, 2005, <http://www.newsobserver.com/news/growth/story/2140513p-8522056c.html>). SELC's website contains documents generated by SELC for the specific purpose of educating the public on particular issues. (See e.g., "Smart Mobility Report: Review of Tri-County Parkway Location Study," [http://www.southernenvironment.org/newsroom/publications/smart\\_mobility\\_tri\\_county.pdf](http://www.southernenvironment.org/newsroom/publications/smart_mobility_tri_county.pdf)). SELC also assists the public in locating information relating to a particular topic by collecting and posting relevant information, documents, and links to other websites.

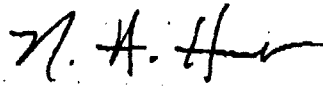
All of this information is available for free to any interested member of the public. SELC staff members also educate the public by speaking at conferences and other public meetings about environmental and natural resource issues in the Southeast. A fee waiver clearly will benefit the general public through increased notice and understanding of the operations of the government and of potential or proposed major policy incentives.

SELC further certifies that disclosure of the information sought is not primarily in the commercial interest of the requester.

Should SELC's request for reduced or waived fees be denied, SELC is prepared to bear the reasonable duplication and search costs necessary to fulfill this request. However, I request you contact me before processing this request if the fee is expected to be in excess of \$25. SELC reserves its right to appeal a fee waiver or reduction denial.

If you have any questions regarding this request, please feel free to call me at 404-521-9900. Thank you for your prompt attention to this matter. We look forward to receiving the public records requested.

Sincerely,

A handwritten signature in black ink, appearing to read "N. H. Hunt", with a stylized flourish at the end.

Nathaniel H. Hunt  
Associate Attorney



**4-FOI-00600-10 and 4-FOI-00602-10 Fee Waivers**  
Cynthia Floyd-Coleman to: Melvin Cruver, Kindra Callahan

06/17/2010 12:05 PM

The fee waiver requests have been granted for both of these. A copy of the letter is in FOIAXpress FYI.

Thank you  
Cindy

Cynthia Floyd-Coleman, FOIA Specialist  
Office of Information Collection  
Office of Environmental Information  
U.S. Environmental Protection Agency  
(202) 566-1662



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

June 16, 2010

OFFICE OF  
ENVIRONMENTAL INFORMATION

Mr. Nathaniel H. Hunt  
Southern Environmental Law Center  
The Candler Building  
127 Peachtree Street, Suite 605  
Atlanta, GA 30303-1800

RE: Request Number 04-FOI-00600-10

Dear Mr. Hunt:

This is in response to your request for a fee waiver in connection with your Freedom of Information Act (FOIA) request seeking documents pertaining to the Tired Creek Reservoir, in Grady County, GA.

We have reviewed your fee waiver justification and based on the information you provided, we are granting your request for a fee waiver for copying costs. However, this fee waiver does not include a waiver of fees for otherwise publically available records. EPA's Region 4 office will be responding to your information request.

If you have any questions concerning this please contact me at (202) 566-1667.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry F. Gottesman", is written over a diagonal line that extends from the signature area towards the bottom right of the page.

Larry F. Gottesman  
National FOIA Officer